

APPROVED: Meeting No. 09-93

ATTEST: *Sharon A. Gran*

MAYOR AND COUNCIL  
ROCKVILLE, MARYLAND  
Meeting No. 07-93

March 8, 1993

The Mayor and Council of Rockville, Maryland, convened in General Session in the Council Chamber, Rockville City Hall, 111 Maryland Avenue, Rockville, Maryland, on March 8, 1993, at 7:30 p.m.

PRESENT

Mayor Douglas M. Duncan

Councilmember James F. Coyle

Councilmember Rose G. Krasnow

Councilmember James T. Marrinan

Councilmember David Robbins

In attendance: City Manager Bruce Romer, City Clerk Sharon Gran and City Attorney Paul Glasgow.

Mayor Duncan announced that, prior to the meeting, there was a reception held in honor of the Lincoln Park Community History Project on exhibit at City Hall. The residents of the Lincoln Park neighborhood who were instrumental in the completion of this project were recognized. Appreciation was expressed for the efforts of City staff who worked on the project.

The exhibit will be on display at other locations in the County in the future, and residents were encouraged to view the exhibit.

Re: City Manager's Report

1. Discussions had previously been held regarding the potential formation of a Lincoln Park Advisory Committee. Expressions of interest have been received from 15 members of the

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Lincoln Park community to serve on such a committee. This information will be forwarded to the Recreation and Park Advisory Board whose members will review the applications and select seven individuals to serve on the advisory committee.

2. With respect to the pilot once per week refuse service at the Rose Hill Falls subdivision and the Housing Authority project, staff has assessed the results and a decision has been made to revert to the twice per week refuse for these two neighborhoods.

Mayor Duncan was advised that the affected residents have been notified.

3. Regarding Items C & D on tonight's Consent Agenda, introduction of ordinances to levy special assessments for driveway aprons constructed in fiscal years 1991 and 1992, the City Manager explained that the ability of the City to reconstruct the driveway aprons was offered to residents and those property owners requesting the work were advised of the assessment prior to construction.

4. There was an unfortunate incident last Friday night in the City -- a major fire on Rutgers involving a number of townhouse units. The fire was devastating for a number of families, and City staff worked closely with Montgomery County Department of Social Services the following day. Community Services coordinated with the County and American Red Cross to find shelter for families that were displaced. Polinger Company, the management firm for the development, also played an important role in finding shelter for the affected residents.

Mayor Duncan thanked staff for their prompt response to the fire.

5. Last Friday, Governor Schaefer visited Rockville to view the Rockville Mall and be briefed on the Rockville Center project. There was a great deal of participation from the community. This morning, the County Council PHED Committee met on the issue of funding for the

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Rockville Center project, and Councilmember Krasnow and Director of Community Development Neal Herst accompanied the City Manager to the meeting. A number of questions were raised at an earlier PHED meeting, and responses were furnished to the committee. The committee voted unanimously to endorse the project and send it to the full County Council with the recommendation for funding.

Re: Recognition of Francis K. Schwarz and his son, Kenneth, for the preservation of a cut wood section of a large white oak tree which is on display at City Hall accompanied by a history of Rockville events corresponding to the tree's rings.

Councilmember Coyle provided the following background information on the project.

Mr. Schwarz notified Mayor Duncan that he and his son had cut several slices from a "very old" oak tree which had been diseased and was cut down by the Parks Division. He offered to donate the tree to the City if it was usable. After further study, it was determined that the tree dated back to 1726.

Over several months, Mr. Schwarz and City staff researched dates, marking them appropriately on the tree segment. Dates listed on the tree are color-coded to distinguish those corresponding to national events, Rockville events and those relating to the Civic Center property. Selected dates showing the population of Rockville are also depicted. Mr. Schwarz drafted a descriptive narrative entitled, "A Tree Lives and Dies in Rockville."

An oak and glass display cabinet was built by David Ambush and Tony Mocca of the Recreation and Parks Department.

Mr. Schwarz and his son, Kenneth, were presented with Certificates in recognition of their outstanding work.

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Re: Presentation by Girl Scout  
Service Unit #2 in  
Rockville.

Kimi West (Daisy Troop 760), Jennifer Tedder (Brownie Troop 2022), Dawn Aksamit (Junior Troop 1314), Kristan Grigsby (Cadet Troop 2419) and Jennifer Poole (Senior Troop 2008) passed out cookies to the Mayor and Council and audience. Jennifer Poole provided an overview of the many service projects in Rockville in which the scouts are active. Mayor Duncan was then sworn in as an honorary girl scout.

Re: Citizens Forum

At this time, the Mayor opened the meeting to hear from any citizen who wished to address the Mayor and Council.

1. Cindy Hall, 210 Elizabeth Avenue, on behalf of the Community Action Team of East Rockville, invited the Mayor and Council to their Third Annual Night Vigil on Friday, March 19, at 7:30 p.m.

2. Zoel Radner, 2294 Stratton Drive, noted that he was present in 1963 when then Mayor Frank Ecker presented plans for changes to downtown Rockville. There were two areas of concern at that time: inadequate parking, and a suggestion that the planning group was attempting to imitate Crystal City. It was thought that a major hotel with a heliport would be something to attract people to downtown Rockville and he feels this is still a viable option.

Mr. Radner referred to the agenda items concerning special assessments for driveway aprons and noted the recent reconstruction of his driveway apron. Staff clarified for Mr. Radner that, in situations such as his, the driveway aprons are replaced as part of the regular concrete maintenance program.

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There being no other citizens wishing to address the Mayor and Council, the Mayor closed the Citizens Forum portion of the meeting.

Re: Appointments

Upon motion of Councilmember Marrinan, duly seconded and unanimously passed, Craig Falk was reappointed to a two-year term on the Economic Development Council.

Upon motion of Councilmember Krasnow, duly seconded and unanimously passed, Aaron Dodek was reappointed to a three-year term as a Landlord Representative on the Landlord-Tenant Affairs Commission.

Upon motion of Councilmember Robbins, duly seconded and unanimously passed, William Mitchell was reappointed to a four-year term on the Personnel Appeals Board

Upon motion of Councilmember Marrinan, duly seconded and unanimously passed, Stephen Edwards, Genie McKay and Robert Taylor were reappointed to two-year terms on the Recreation and Park Advisory Board.

Upon motion of Councilmember Coyle, duly seconded and unanimously passed, Helen Roberto was reappointed to a three-year term on the Senior Citizens Commission.

Upon motion of Councilmember Krasnow, duly seconded and unanimously passed, Alan Levine was reappointed to a two-year term on the Traffic and Transportation Commission.

Re: Approval of Minutes

Upon motion of Councilmember Marrinan, duly seconded and unanimously passed, the minutes of Meeting No. 05-93 (February 22, 1993) were approved, with the following clarification requested by Councilmember Krasnow. The staff report concerning the deviation requested by Foulger-Pratt mentioned that the entire concept of interior amenity spaces and pedestrian connections

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between parcels in the Town Center is currently being altered by the impending redevelopment of the former Mall. It was noted by Councilmember Krasnow that this is a change occurring in general and not necessarily related specifically to the redevelopment of the former Mall.

Upon motion of Councilmember Coyle, duly seconded and unanimously passed, the minutes of Meeting No. 06-93 (February 23, 1993) were approved, as written.

Re: Presentation by Brian Scott  
of Whitman-Walker Clinic  
of Suburban Maryland  
regarding targeted outreach  
in Montgomery County and  
the City of Rockville

Mr. Scott advised the Mayor and Council that the Whitman-Walker Clinic is looking for ways of reaching individuals with HIV/AIDS. They recently established a Montgomery County office, and Montgomery County residents comprise 40% of their client base.

Some of the services provided by the Clinic are: medical specialty referral and financial assistance; outreach in education, including a speakers bureau; volunteer resources. There have been over 600 reported cases of AIDS in Montgomery County, with over 200 individuals now living with AIDS. Mr. Scott emphasized the need to deal with misperceptions, use education for HIV testing, and find ways to alleviate fears and concerns. A number of advisory committees have been formed to help get the message out. It is especially important to target individuals in their late teens and early 20s.

Mayor Duncan expressed appreciation for the Clinic's assistance to Rockville and Montgomery County residents.

Councilmember Coyle noted that some communities try to maintain a focus on the issue of communicable disease rather than HIV.

In response to Councilmember Marrinan's question as to where voluntary testing services are available, it was noted that both the Montgomery County Health Department and Planned

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Parenthood, with locations in Silver Spring and Rockville, provide this testing.

It was suggested by Councilmember Robbins that the use of County Cable 21 would help get the message out. He noted that there isn't a great deal of promotion of AIDS prevention in Montgomery County Public Schools and this may be something that Whitman-Walker should look into. Mr. Scott advised that they work with the YMCA and other places where youth may congregate.

Mayor Duncan informed Mr. Scott that the City will provide assistance in distributing information through **Rockville Reports** and suggested that he contact the City Manager to follow-up in this regard.

Re: Consent Agenda

Upon motion of Councilmember Robbins, duly seconded and unanimously passed, the following Consent Agenda Items were approved:

- A. Introduction of Resolution to enlarge the corporate boundaries of the City of Rockville, Annexation Petition No. X-114-93, James W. and Teresa L. Wilcoxon, Petitioners.

This petition requests annexation of two parcels, containing approximately 6.98 acres, located at the intersection of Southlawn Court and Southlawn Lane.

- B. Adoption of Resolution No. 08-93, the full text of which can be found in Resolution Book No. 10 of the Mayor and Council, to set public hearing date for Annexation Petition No. X-114-93, James W. and Teresa L. Wilcoxon, Petitioners.

This resolution sets the public hearing date of June 21, 1993, for the requested annexation of approximately 6.98 acres, located at the intersection of Southlawn Court and Southlawn Lane.

- C. Introduction of Ordinance to levy special assessments for driveway aprons constructed in fiscal year 1991 (Project No. 1T12). In response to requests from residents, the City constructed driveway aprons at 15 homes for a total cost of \$10,698.46.
- D. Introduction of Ordinance to levy special assessments for driveway aprons constructed in fiscal year 1992 (Project No. 2B12). In response to requests from residents, the City constructed driveway aprons at 25 homes for a total cost of \$15,995.69.
- E. Acceptance of Text Amendment Application T-135-93, Rockville City Centre, Applicant.

This application requests amendment to the Zoning Ordinance to permit "pet grooming" as a permitted use in the Town Center Office-Two (TCO-2) Zone. If accepted by the Mayor and Council, this application will be referred to the Planning Commission for processing and recommendation.

- F. Receipt of financial reports summarizing the results of City operations for the period from July 1, 1992, through January 31, 1993.



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Re: Approval of Waiver No. 6-93 of on-site stormwater management for construction of a single family home on Veirs Drive in the Watts Branch drainage area (Lot 1, Block A, Glen Hill Club Estate) and acceptance of a \$6,400 contribution to the SWM fund.

The developer, Maung T. Hlaing, proposes to construct a single family house and related site improvements. (Waiver Category: I-A-3)

Upon motion of Councilmember Coyle, duly seconded and unanimously passed, Waiver No. 6-93 of on-site stormwater management for construction of a single-family home on Veirs Drive in the Watts Branch drainage area was approved and a contribution of \$6,400 to the Stormwater Management Fund accepted.

Re: Adoption of Ordinance to amend Chapter 12, "Licenses, Permits and Miscellaneous Business Regulations" so as to delete the prohibition of alcoholic beverage consumption on the premises of bowling alleys and pool or billiard rooms.

Ordinance No. 03-93

The City Manager commented that the requested reports from the City Attorney and Police Department had been provided, and the staff recommendation to adopt this ordinance remains unchanged.

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Councilmember Robbins voiced disappointment with the fact that the City has been placed in this position by the State, that is, the City may not take action that prohibits something that State law expressly permits. He reiterated concerns expressed at earlier meetings that the consumption/sale of beer at Twinbrook bowling alley is in direct contravention to the community's attempts to promote alcohol and drug-free activities. He is dissatisfied with the entire process, in particular with the fact that the State delegation did not communicate this change to the Mayor and Council.

The same concerns were voiced by Councilmember Marrinan. He referenced a letter from individuals indicating that bowling is a family recreational activity and alcohol consumption should not be permitted. Although he has concerns, Councilmember Marrinan realizes there are no options available to the City.

Councilmember Krasnow noted that this change would also be applicable to billiard rooms. The City could reverse an earlier amendment and raise the age of admittance to billiard rooms to the legal drinking age. However, no liquor can be sold to minors in bowling alleys or billiard rooms, and the Police Department has not had a problem thus far with enforcement. She hopes that the City does everything possible to ensure that drinking is a small part of what goes on in bowling alleys.

While it is distressing to vote to allow the sale of beer in bowling alleys and billiard rooms, Councilmember Krasnow noted that not doing so would place Rockville in a difficult position insofar as business owners are concerned. A better avenue may be to go back to the State delegation to see if the law can be reversed.

The issue of enforcement was raised by Councilmember Marrinan. He has been advised that access to alcoholic beverages is fairly easy in Montgomery County for teenagers and feels that

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additional revenues accruing from the sale of alcohol should be directed to improving enforcement efforts.

Councilmember Coyle indicated that the real issue is the availability to minors of liquor at package goods stores and this problem should be addressed separately.

Councilmember Krasnow noted that, in addition to passing this amendment, the State also reduced the food/liquor ratio which encourages a drinking atmosphere. The State delegation should be requested to change this as well.

It was agreed that the Mayor and Council are approving this technical change; however, no one is in favor of selling beer in bowling alleys or billiard rooms. It was further agreed that the Mayor and Council would solicit from the State delegation the legislative intent regarding this change in State law and also ask if the increase in tax revenue derived from the sale of alcoholic beverages may be used in a way that helps monitor the sale of alcohol to younger persons.

In response to Councilmember Robbins' question regarding enforcement of liquor sales, Chief Treschuk responded that monitoring is done by County Liquor Board employees and other personnel who work in an undercover capacity; it is a check-as-check basis.

Upon motion of Councilmember Coyle, duly seconded, with Councilmember Robbins voting "no," Ordinance No. 03-93, the full text of which can be found in Ordinance Book No. 17 of the Mayor and Council, was adopted to amend Chapter 12, "Licenses, Permits and Miscellaneous Business Regulations" so as to delete the prohibition of alcoholic beverage consumption on the premises of bowling alleys and pool or billiard rooms.

Re: Adoption of Ordinance to  
amend Chapter 3,  
"Animals" of the Rockville  
City Code.

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These amendments are designed to address issues and concerns raised at the one-year review of the Animal Control Ordinance.

Ordinance No. 04-93

Upon motion of Councilmember Krasnow, duly seconded and unanimously passed, Ordinance No. 04-93, the full text of which can be found in Ordinance Book No. 17 of the Mayor and Council, was adopted to amend Chapter 3, "Animals" of the Rockville City Code.

Re: Adoption of Resolution to amend the current fine schedule for Chapter 3, "Animals" of the Rockville City Code

The proposed resolution includes fines for a few sections in which penalties had been inadvertently omitted as well as some clarifying language to other sections. It does not raise any existing fines.

Resolution No. 09-93

Councilmember Marrinan questioned the necessity for continuing on-leash testing on an annual basis. Chief Treschuk responded that the committee felt overwhelmingly that the testing should be done on an annual basis.

As to Councilmember Krasnow's concern that some individuals may not repeat the testing every year, Chief Treschuk noted there is currently a 70% return/compliance rate.

Upon motion of Councilmember Coyle, duly seconded and unanimously passed, Resolution No. 09-93, the full text of which can be found in Resolution Book No. 10 of the Mayor

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and Council, was adopted to amend the current fine schedule for Chapter 3, "Animals" of the Rockville City Code, to include fines for a few sections in which penalties had been inadvertently omitted and to clarify language to other sections.

Re: Discussion and Instructions  
to Staff - Review of  
Montgomery County Capital  
Improvements Program  
(CIP) for FY1994-1999 to  
develop comments for  
submission to Montgomery  
County Council.

The City Manager noted that this is the annual review by the Mayor and Council of the County's Capital Improvements Program. A number of the projects are very familiar to the Mayor and Council and comments have been submitted in previous years. Staff also considered projects which are not in the County's CIP and have recommended comments for inclusion in the letter to the County. These projects have been in the City's CIP and slated for County funding: Avery Road; Seven Locks Road Dead End and Wootton Parkway. The fourth is the Town Center project, and the purpose of including this project is just to call attention to it procedurally.

Councilmember Coyle referenced the Seven Locks Technical Center and the improvements related to health, fire protection and safety. He noted earlier concerns of the neighborhood with any proposed major expansion of these facilities.

Staff responded that due to the costs of the initial project, the County has scaled back its proposed expansion to improving the facilities they have, including correction of health hazards in the materials testing laboratories. It was noted that there are no other items in the County's CIP concerning expansion of these facilities.

Councilmember Krasnow asked if some thought had been given to the Rockville-related

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projects in light of the \$6 million request for the Town Center project or if projects had been prioritized or perhaps moved out to a later date. The City Manager responded that the CIP had not been reviewed in that regard.

With respect to plans for a new jail facility, Councilmember Marrinan asked if concerns had been conveyed about the existing Seven Locks Detention Center. Currently, the population is 610, already exceeding the 500 maximum the City would like to see. What are the County's plans in the event the population go backs up to the 1989 level of 845? It will take the County approximately six years before a new detention facility is ready for occupancy, and he is concerned that the population will exceed the capacity by that time.

Mayor Duncan responded that the City needs to support the CIP project for a new jail. He suggested asking the County's Director of Correction and Rehabilitation to give a public presentation to City officials and residents on what the plans are. This would be in the form of a town meeting in March or April.

Staff was instructed to prepare the recommended comments on the County's CIP for submission to the Montgomery County Council and Montgomery County Executive, including comments on the four projects which were not included in the County's CIP.

Re: FYI/Correspondence

Solid Waste Task Force Schedule

Mayor Duncan indicated that the proposed schedule may not allow enough time for responses and review of the bids received. He requested that there be a contingency plan in the event that there is a delay, and the City is not able to implement its disposal option by July 1.

An interim plan has been included in the scope of the task force's work, and the City Manager indicated that information regarding this plan will be forwarded to the Mayor and Council.

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If the referendum is successful and the County must take its fall-back position, the City would not be adversely impacted in the short-term as it would pay only the tipping fee set by the County.

Councilmember Marrinan noted three items of commendation in this week's FYI/Correspondence:

- o Letter of Recognition from the Maryland State Police regarding the results of the City's Preventive Maintenance Audit;
- o Designation of Tree City USA award for the fourth year; and
- o Distinguished Budget Presentation Award by the Government Finance Officers Association.

He concluded that it is a real pleasure to represent the City of Rockville.

Re: New Business

Councilmember Coyle attended the National League of Cities meeting this past weekend and today in his capacity as a member of the Finance, Administration and Intergovernmental Relations Committee and the Small Cities Council. President Clinton addressed the League today, reiterating his economic recovery program. The National League of Cities passed a resolution endorsing the President's budget and stimulus package.

The Small Cities Council continues to have a concern with the issue of how cities with less than 50,000 population must wait for federal funding to pass through the state. Smaller jurisdictions feel that formulas other than population should be utilized. The full NLC will be asked to review a resolution which would change this current practice. Under the economic stimulus package in which funds must be spent by December 31, 1994, by the time the money passes through the states,

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needy jurisdictions may not be in a position to benefit from these funds. It is important that the funds be disbursed as quickly as possible and the administration must be encouraged to think in these terms.

Legislation dealing with mandates on the federal level was another issue discussed. Councilmember Coyle received copies of all major budget appropriation and tax issues for distribution to staff and the Council and other material covering major priorities in the President's budget. He concluded by indicating that it was a very positive meeting.

Councilmember Krasnow noted that Congresswoman Morella recently opened an office at 51 Monroe Street.

Councilmember Robbins stated that one of the public hearings next week is on term limits, and it is very important that the Mayor and Council receive as much public comment as possible. This will have a significant impact on future Mayors and Councils of Rockville.

Mayor Duncan relayed a message he had received that a young child had been hit by a car on Twinbrook Parkway near Meadow Hall Elementary. Modernization of the school would provide a drop-off/pick-up area, but the project has been delayed due to budget considerations. The City needs to review this situation and see if some preventive measures can be implemented.

The graffiti problem is surfacing again, and Mayor Duncan requested that the Police Department coordinate a presentation at the next meeting on how they are handling this situation. It has been an ongoing battle.

Re: Next Meeting

There will be three public hearings next week on the following items: the issue of term limits; the annexation of St. Elizabeth's Church and School; and the text amendment to provide uniform parking spaces.



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Re: Adjournment

Upon motion of Councilmember Coyle, duly seconded and unanimously passed, the meeting was adjourned at 9:10 a.m., to convene again in Public Hearing on Monday, March 15, 1993, at 7:30 p.m., or at the call of the Mayor.